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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,502	09/28/2001	Robert L. Van Egmond	10559-470001	2556
26225 7590 12/12/2008 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER CHUNG TRANS, XUONG MY	
			ART UNIT 2833	PAPER NUMBER
			NOTIFICATION DATE 12/12/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PATDOCTC@fr.com

Office Action Summary	Application No. 09/964,502	Applicant(s) VAN EGMOND ET AL.	
	Examiner XUONG M. CHUNG-TRANS	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on August 28, 20008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-23, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This is responsive to the amendment filed on 28 August 2008.
2. In the amendment filed on 28 August 2008, claims 1 and 17-23 have been amended; claims 6 and 24-26 have been canceled; and claims 27-28 have been added. Thus, claims 1-5, 7-23 and 27-28 are pending in this application.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8-23 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferracina in view of Beecher, II et al. (6,291,767).

As per claim 1, Ferracina discloses a network communication housing comprising: a main body 7; at least one connector 25 mounted onto a surface of the main body; and an easel 6 pivotally coupled to the main body 7. Ferracina further discloses apertures (i.e., holes) 10 and 11 to accept cables/wires 13 for connecting to the connectors 25 (col. 2, lines 17-19). Beecher discloses a plurality of substantially circular holes 24 which can be used to connect cable conduits to the connectors 102, 107, 108 to facilitate wiring of the exterior box. Therefore, it would have been obvious

to one of ordinary skill in the art, at the time the invention was made, to employ circular holes as taught by Beecher into the invention of Ferracina to accept cables and to facilitate wiring connections inside and outside the network communication housing.

As per claims 2 and 27-28, Beecher discloses at least one networking circuit located inside the main body that is coupled with the at least one connector and electromagnetic interference shielding (EMI) mounted onto the main body. Therefore, it would have been obvious to one of ordinary skill in the art to include the teaching of Beecher in the Ferrancina connector housing in order to provide more flexible of use and to prevent (EMI).

As per claim 3, Ferracina discloses the easel further comprises at least one serrated edge 6b, 6d for accepting a wire or cable.

As per claims 4-5, Ferracina discloses the invention substantially as claimed except that the at least one serrated edge is comprised of at least one semi-circular notch and/or "V-shaped" notch. Ferracina discloses a U- shaped notch 10. Therefore, it would have been obvious to one of ordinary skill in the art to modify the easel of the Ferracina to have at least one semi-circular notch and/or "V-shaped" notch in stead of U-shaped notch, since such a modification would have involved a mere change in the form/shapes of a component. A change in form/shape is generally recognized as being within the level of ordinary skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1976).

As per claim 8, Ferrancina discloses the invention substantially as claimed except that the main body has an edge that overlaps an edge of the easel. However, the use of overlap housing parts coupled to one another is well known in the art as

evident by Beecher. Beecher discloses such overlap housing parts (12,14) coupled to one another. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Ferracina connector housing to have overlaps an edge of the housing coupled to one another as taught by Beecher in order to provide more securely couple the housing parts together.

As per claim 9, Ferracina discloses the easel includes a first serrated edge located at a front side of the housing device and the main body includes a second serrated edge located at a backside of the housing device in which both the first and second serrated edges can accept at least one wire or cable.

As per claims 10-16, these claims recite a method corresponding to the network communication housing of claims 2-5 and 7-9; therefore, they are rejected under the similar rationale.

As per claims 17-23, these claims differ from claims 1-9 in that they further recite at least one foot for supporting the main body. It would have been obvious to one of ordinary skill in the art to employ at least one foot for supporting the main body as needed and thereby stabilizing supporting the main body and/or prevent damage/scratch to the body.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferracina in view of Beecher and further in view of Begley (4,979,634).

Ferracina discloses the invention substantially as claimed except that the easel further comprising a stop to prevent the easel from pivoting too far. Begley, however,

discloses the easel further comprising a stop 42 to prevent the easel from pivoting too far. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a stop as taught by Begley in the Ferracina easel in order to prevent the easel from over pivotal.

6. Claims 1-5, 7-23 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beecher, II et al. (6,291,767) in view of Begley (4,979,634).

As per claim 1, Beecher discloses a network communication housing comprising: a main body 10; at least one connector (102,107,108) mounted onto a surface of the main body; and an easel 12 coupled to the main body. Beecher does not explicitly disclose that the easel pivotally coupled to the main body. However, the use of the pivotally means (e.g. a hinge) are well known in the art as evidence by Begley. Begley discloses a hinge means 12, for use in hold-open the cover for circuit enclosure, boxes or the like. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Beecher housing to include a hinge as taught by Begley in order to allow the easel/cover and the body pivotally coupled together. Further, Beecher discloses a plurality of substantially circular punch-outs 24 which can be used to connect cable conduits to the connectors inside the distribution box to facilitate wiring exterior of the box.

As per claims 2-4 and 27-28, Beecher discloses at least one networking circuit located inside the main body that is coupled with the at least one connector and electromagnetic interference shielding (EMI) mounted onto the main body; the easel 12

further comprises at least one serrated edge 66 for accepting a wire or cable; the serrated edge is semi-circular notch 66, the easel 12 contains at least one hole 66 for accepting at least one wire or cable.

As per claim 5, Beecher discloses the invention substantially as claimed except that the at least one serrated edge is comprised of at least one "V-shaped" notch. Beecher discloses such semi-circular notch. Therefore, it would have been obvious to one of ordinary skill in the art to modify the easel of the Beecher to have at least one "V-shaped" notch in stead of semi-circular notch, since such a modification would have involved a mere change in the shapes of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1976).

As per claim 7, Begley discloses that the easel further comprises: a stop 42 to prevent the easel from pivoting too far.

As per claim 8, Beecher discloses the invention substantially as claimed except that the main body has an edge that overlaps an edge of the easel. Beecher, however, does disclose that an edge of the easel overlaps an edge of the body. Therefore, it would have been obvious to have an edge of the body overlaps an edge of the easel instead of the edge of the easel overlaps an edge of the body, since the court has held that rearranging parts/reversal of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70. In re Einstein, 8 USPQ 167.

As per claim 9, it would have been obvious that a second serrated edge can also be located at a backside of the housing device in which both the first and second serrated edges can accept at least one wire or cable.

As per claims 10-16, these claims recite a method corresponding to the network communication housing of claims 1-5 and 7-9; therefore, they are rejected under the similar rationale.

As per claims 17-23, these claims differ from claims 1-5 and 7-9 in that they further recite at least one foot for supporting the main body. It would have been obvious to one of ordinary skill in the art to employ at least one foot for supporting the main body as needed and thereby stabilizing supporting the main body and/or prevent damage/scratch to the body.

10. Applicant's arguments with respect to claims 1-5, 7-23 and 27-28 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xuong M. Chung-Trans whose telephone number is (571) 272-2002. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 extension 33.. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X.M. Chung-Trans/
Examiner, Art Unit 2833

/Truc T. T. Nguyen/
Primary Examiner, Art Unit 2833